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PATENT COOPERATION TREATY

From: **INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

To: **HOFFMANN · EITLE**
Labellastrasse 4
D-81925 München
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DEC 13 2002

PATENT & TRADEMARK OFFICE

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30. April 2001

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WRITTEN OPINION

(PCT Rule 66)

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Date of mailing (day/month/year)		27.04.2001
Applicant's or agent's file reference 83 628 a/se		REPLY DUE within 3 month(s) from the above date of mailing
International application No. PCT/EP00/06644	International filing date (day/month/year) 12/07/2000	Priority date (day/month/year) 13/07/1999
International Patent Classification (IPC) or both national classification and IPC C11B9/02		
Applicant DANISCO FINLAND OY et al.		

- This written opinion is the first drawn up by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain document cited
 - VII ☐ Certain defects in the international application
 - VIII ☒ Certain observations on the international application
- The applicant is hereby invited to reply to this opinion.


When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
 For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
 For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 13/11/2001.

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Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer / Examiner Knutzen-Mies, K
	Formalities officer (Incl. extension of time limits) Le Bolloch, C Telephone No. +49 89 2399 8091





WRITTEN OPINION

International application No. PCT/EP00/06644

I. Basis of the opinion

1. With regard to the **elements** of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"):

Description, pages:

1-15 as originally filed

Claims, No.:

1-10 as originally filed

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2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Claims 1-10

Inventive step (IS) Claims 1-10

Industrial applicability (IA) Claims 1-10

2. Citations and explanations
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

ad section V.:

The following documents cited in the international search report are considered to represent the most relevant prior art:

- D1 CHEMICAL ABSTRACTS, vol. 95, no. 18, 2 November 1981 (1981-11-02)
Columbus, Ohio, US; abstract no. 156349, MASTELIC ET AL: 'Separation of
essentials oils from a steam distillate' XP002152636 & KEM. IND., vol. 30, no. 5,
1981, pages 249-251, yugoslavia
- D2 DATABASE WPI Section Ch, Week 198207 Derwent Publications Ltd., London,
GB; Class D23, AN 1982-13166E XP002152637 & SU 825 609 A (ESSENTIAL
OIL COMBI), 30 April 1981 (1981-04-30)
- D3 DATABASE WPI Section Ch, Week 199437 Derwent Publications Ltd., London,
GB; Class B04, AN 1994-299695 XP002152638 & JP 06 227994 A (JUMOKU
CHUSHUTSU SEIBUN RIYO GIJUTSU KEN), 16 August 1994 (1994-08-16)
- D4 DATABASE WPI Section Ch, Week 198722 Derwent Publications Ltd., London,
GB; Class B05, AN 1987-155783 XP002152639 & SU 1 263 249 A (BOTANY
INST), 15 October 1986 (1986-10-15)
- D5 MACHALE K W ET AL: 'RECOVERY OF DISSOLVED ESSENTIAL OILS FROM
CONDENSATE WATERS OF BASIL AND MENTHA ARVENSIS DISTILLATION'
JOURNAL OF CHEMICAL TECHNOLOGY AND BIOTECHNOLOGY.
(INTERNATIONAL JOURNAL OF BIOTECHNICAL AND CHEMICAL
PROCESSES),GB,ELSEVIER APPLIED SCIENCE PUBLISHERS. BARKING, vol.
69, no. 3, 1 July 1997 (1997-07-01), pages 362-366, XP000702184 ISSN: 0268-
2575.

From documents D1 - D5 steam distillation or aqueous extraction of plant materials to get essential oil condensates is known. These documents also teach a variety of purifying methods for said essential oils by separating them from the hydrophilic phase (in general, water) by passing the condensate through a column containing an adsorbent (silica, activated carbon, Amberlite TM) and eluting the essential oils with a

solvent (eg ethanol, ether).

The only process feature of claim 1 of the present application which is not explicitly described in any one of D1 - D5 is step iii), ie recycling the hydrophilic phase (water) leaving the adsorption vessel, eg the column.

This feature, however, appears to be a matter of routine for the skilled art worker, ie as also acknowledged at page 2, lines 20 - 22 of the present description, a known measure in steam distillation processes is recycling the aqueous phase.

In the absence of any further distinguishing process features, the subject matter of claims 1 - 10 of the present application does not appear to involve an inventive step as required by Article 33(3) PCT.

Novelty and industrial applicability appear to be given.

ad section VIII.:

The subject matter of claims 2 and 10 have no clear descriptive counterpart (Article 6 PCT).